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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GUSTAVUS MITCHELL, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

LRE OF NEVADA, LLC d/b/a RIGHTSIZE
FUNDING; and HLS OF NEVADA, LLC
d/b/a NEVADA WEST FINANCIAL,

Defendant

Case No.: 2:17-cv-01521-RFB-PAL

**(PROPOSED) STIPULATION AND
ORDER TO EXTEND DISCOVERY**

(SECOND REQUEST)

Pursuant to Fed. R. Civ. P. 26(f), and Local Rule 26-1, and in compliance with this Court's
Orders at ECF Nos. 25 & 30, Plaintiff Gustavus Mitchell ("Plaintiff"), Defendants LRE Of
(Proposed) Stipulation and Order to Extend Discovery - 1

1 Nevada, LLC d/b/a Rightsize Funding and HLS Of Nevada, LLC d/b/a Nevada West Financial
2 (“Defendants”) (together with Plaintiff, the “Parties”), by and through their attorneys, hereby
3 stipulate to extend discovery deadlines and other deadlines in the October 31, 2017 Scheduling
4 Order as follows:

5 **1. Initial Disclosures.**

6 The parties do not propose any changes to the form of disclosures required pursuant to
7 Federal Rule 26(a). The Parties already served their initial disclosures.
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9 **2. Completed Discovery.**

10 The Plaintiff served Defendants with discovery requests on August 22, 2017. And,
11 Defendants answered. On October 2, 2017, the parties held a 26-7 conference regarding
12 Defendants’ discovery responses, and Plaintiff’s outstanding requests that Defendants stipulate
13 to a protective order. On January 2, 2018, Defendants served their Second Amended
14 Interrogatory Responses pursuant to this Court’s Order, ECF No. 25.

15 **3. Remaining Discovery.**

16 The Parties are requesting this extension of discovery, in part, because the parties were
17 waiting for the decision in *ACA Int’l v. FCC*, --- F.3d ----, 2018 WL 1352922 (D.C. Cir. Mar. 16,
18 2018), given that Defendants predicated their objections and responses to Plaintiff’s initial
19 discovery responses on the then pending decision. Plaintiff will seek supplemental discovery
20 responses and set Defendants’ depositions. Plaintiff anticipates disclosing an expert on
21 automated dialing systems. Defendants may seek additional written discovery and will seek
22 Plaintiff’s deposition. To the extent Plaintiff discloses an expert, Defendants will produce a
23 rebuttal expert.

24 The Parties are requesting an extension from the date of the filing of this Proposed
25 Scheduling Order in order to put the parties in a similar position to that of December 12, 2017,
26 the date this Court ordered a stay of the then pending expert deadline.
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1 **4. Current Discovery Deadlines.**

- 2 • Discovery Cutoff: March 27, 2018
- 3 • Amending Pleadings/Adding Parties: December 27, 2017
- 4 • Initial Expert Disclosures and Interim Status Report: January 26, 2018
- 5 • Rebuttal Expert Disclosures: February 26, 2018
- 6 • Dispositive Motion deadline: April 26, 2018
- 7 • Joint Proposed Pretrial Order: May 29, 2018
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1 **5. Proposed Discovery Deadlines.**

2 WHEREAS, no prejudice will occur to this Court or the Parties if granted, good cause
3 supports this request to extend discovery;

4 NOW, THEREFORE, in consideration of the foregoing, and for good cause, IT IS
5 HEREBY STIPULATED AND AGREED, by and between the Parties as follows:

6 The July 18, 2017 Scheduling Order shall be amended as follows:

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- 8 • Discovery Cutoff: August 13, 2018
 - 9 • Amending Pleadings/Adding Parties: May 15, 2018
 - 10 • Initial Expert Disclosures and Interim Status Report: June 14, 2018
 - 11 • Rebuttal Expert Disclosures: July 16, 2018
 - 12 • Dispositive Motion deadline: September 12, 2018
 - 13 • Joint Proposed Pretrial Order: October 12, 2018

14 **IT IS SO STIPULATED.**

15 Dated April 3, 2018

16 /s/ Matthew I. Knepper
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Counsel for Defendants
LRE of Nevada, LLC doing business as
RightSize Funding; and HLS of Nevada, LLC
doing business as Nevada West Financial

25 **ORDER**

26 **IT IS SO ORDERED.**

27 
28 UNITED STATES MAGISTRATE JUDGE
Dated: April 6, 2018